

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

By the present amendment, claims 1 and 9 have been amended to provide clarity to the claims. Claim 11 has been canceled without prejudice and new claims 28-30 have also been added. Claims 1-10 and 12-30 are pending in this application. Reconsideration and allowance are respectfully requested.

The Examiner rejects claim 9 under 35 U.S.C. § 112, first and second paragraphs, indicating that “highly stiff” renders the claim indefinite. To address the concerns raised by the Examiner, Applicant has changed “highly stiff” to --substantially stiff--. Applicant respectfully requests withdrawal of the corresponding rejection of the claim since it is believed that “substantially stiff” is definite and satisfies the requirements of 35 U.S.C. § 112, first and second paragraphs.

The Examiner further rejects claims 1, 3, 5, 12 and 13 under 35 U.S.C. § 102(e), as being anticipated by British reference number 906,818 to Royle (hereinafter Royle). It is noted that British reference number 906,818 is not a United States patent or publication and therefore cannot qualify as prior art under 35 U.S.C. § 102(e). Moreover, Royle fails to disclose each and every limitation of claim 1. Indeed, claim 1 requires a method including the step of “damping vibration in a machine tool by regulating the oil flow through the gap (3) in response to the loads arising and for achieving a constant width of gap (3).” Royle does not teach or suggest damping vibration in a machine tool as recited in claim 1. Royle only contemplates a method of maintaining clearance between two members due to variation

in loading and apparently does not contemplate any method of damping vibrations.

Applicant therefore respectfully requests withdrawal of the rejection of claim 1.

The Examiner further rejects claims 2, 4, 9-11, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Royle in view of U.S. Patent No. 5,447,375 to Ochiai et al. The Examiner further rejects claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Royle in view of U.S. Patent No. 5,238,308 to Lang et al. Applicant respectfully requests withdrawal of the rejection of claims 2, 4, 9-11 and 14-18 as depending directly or indirectly from independent claim 1 that is believed to be in condition for allowance for reasons set forth above.

New claims 28-30 have also been added and are believed to be in condition for allowance. New claim 28 includes limitations from original claim 7 and is therefore believed to be in condition for allowance since the Examiner indicated allowable subject matter with respect to original claim 7. New claim 29 includes limitations from original claim 8 and is therefore believed to be in condition for allowance since the Examiner indicated allowable subject matter with respect to original claim 8. Claim 30 includes limitations from original claim 11 which was previously rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Royle in view of U.S. Patent No. 5,447,375 to Ochiai et al. However, Royle in view of Ochiani et al. fails to teach or suggest the step of "damping vibration in a machine tool by regulating oil flow through the gap (3) in response to the loads arising and for achieving a constant width of gap (3)". As set forth above, Royle only contemplates a method of maintaining clearance between two members due to variation in loading and apparently does not contemplate any method of damping vibrations. In addition, Ochiai et al. discloses maintenance of a constant gap in a hydrostatic bearing and apparently does not contemplate a method of damping vibration in a machine tool as required by claim 30.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35802.

Respectfully submitted,

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